



AT/IFW

PTO/SB/21 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/693,394

Filing Date

October 24, 2003

First Named Inventor

Mikhail Godkin

Art Unit

1651

Examiner Name

Phylesha L. DABNEY

Attorney Docket Number

351999-991410

ENCLOSURES (Check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): 1. Return Postcard			
<table border="1"><tr><td>Remarks</td></tr><tr><td>The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.</td></tr><tr><td>Customer No. 29585</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.	Customer No. 29585
Remarks					
The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.					
Customer No. 29585					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm Name	DLA Piper US LLP				
Signature					
Printed name	Gerald T. Sekimura				
Date	July 25, 2008	Reg. No. 30,103			

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Ta-Tanisha L. Henry

Date July 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DUPLICATE

PTO/SB/21 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number	10/693,394
Filing Date	October 24, 2003
First Named Inventor	Mikhail Godkin
Art Unit	1651
Examiner Name	Phylesha L. DABNEY

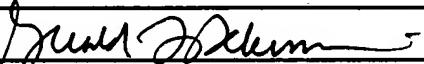
Attorney Docket Number

351999-991410

ENCLOSURES (Check all that apply)

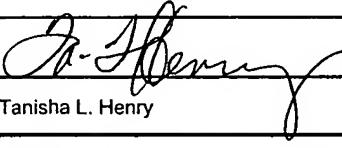
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC			
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences			
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)			
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information			
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter			
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):			
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Return Postcard			
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund				
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____				
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD				
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53					
<table border="1"> <tr> <td>Remarks</td> </tr> <tr> <td>The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.</td> </tr> <tr> <td>Customer No. 29585</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.	Customer No. 29585
Remarks					
The Commissioner is hereby authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.					
Customer No. 29585					

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DLA Piper US LLP		
Signature			
Printed name	Gerald T. Sekimura		
Date	July 25, 2008	Reg. No.	30,103

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ta-Tanisha L. Henry	Date	July 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Mikhail Godkin

Application No. 10/693,394

Filed: October 24, 2003

For: CLOSED-ENDED LINEAR VOICE
ACTUATOR WITH IMPROVED FORCE
CHARACTERISTIC



Group Art Unit: 1651

Examiner: Phylesha L. DABNEY

REPLY BRIEF

153 Townsend Street, Suite 800
San Francisco, CA 94107-1957
(415) 836-2500

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 21, 2008.



Ta-Tanisha L. Henry

Dear Sir/Madam:

This is a reply to Examiner's Answer in Office Communication dated June 11, 2008, ("Examiner's Answer"). One (1) copy of this reply brief is enclosed.

TABLE OF CONTENTS

	Page
Status of Claims.....	1
Grounds of rejection to be reviewed on appeal.....	2
Argument.....	3
Conclusion	7

Status of Claims

Claims 1 through 40 are pending in the application. Claims 1 and 2 have been finally rejected by the Examiner. Claims 2, 3, 5, 7, 10-20, 25 and 26 have been objected to by the Examiner. Claims 34, 36 and 38 are allowed. Claims 4, 6, 8, 9, 21-24, 27-33, 35, 37, 39 and 40 have been withdrawn from consideration. This is an appeal of the rejection of claims 1 and 2.

Grounds of rejection to be reviewed on appeal

The issues on appeal are:

(1) Whether claims 1 and 2 are unpatentable under 35 USC §102(b) as anticipated by US Pat. No. 5,898,244 to Kotsianas et al. ("Kotsianas et al.").

Argument

A key disagreement between the Examiner's and Applicant's reading of the prior art centers around the involved claim 1 feature of:

wherein the core includes first and second portions, each including an end face and a cavity formed in the end face having an axis of symmetry along the longitudinal axis of the core, and further wherein the first and second portions are positioned so that the end faces oppose each other and are separated by a gap

(Involved claim 1, emphasis added.)

In the subject application, Figure 4 (reproduced below) illustrates an example of this feature. (See footnotes 7-11, "Summary of claimed subject matter," Applicant's Appeal Brief..)

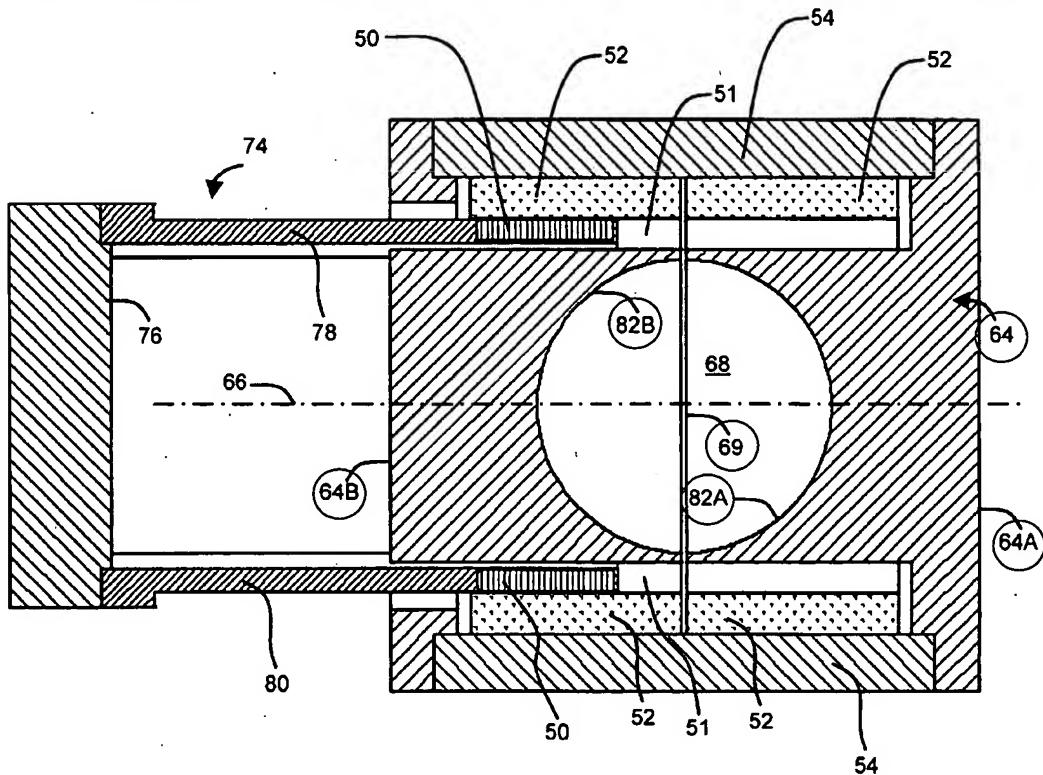
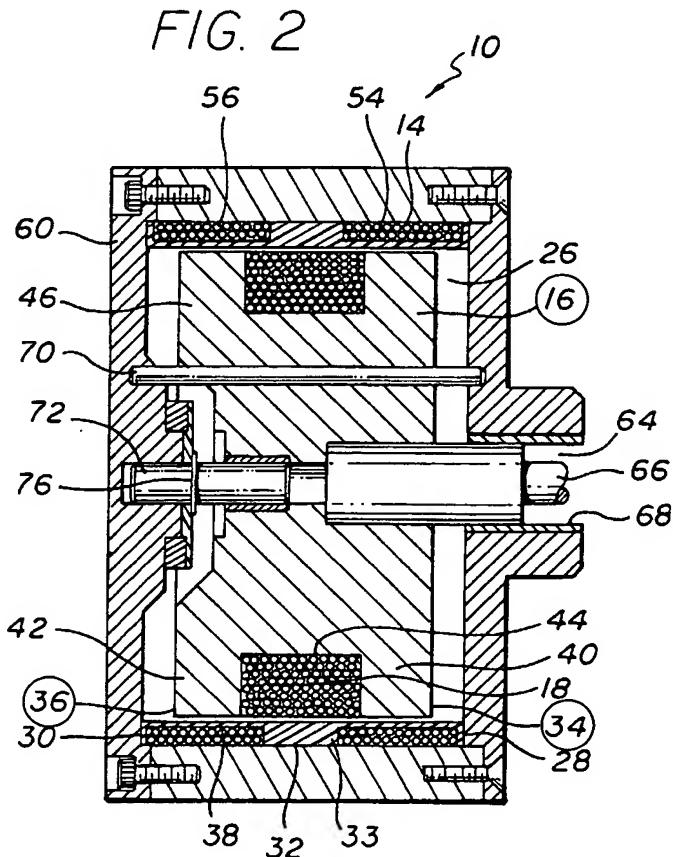
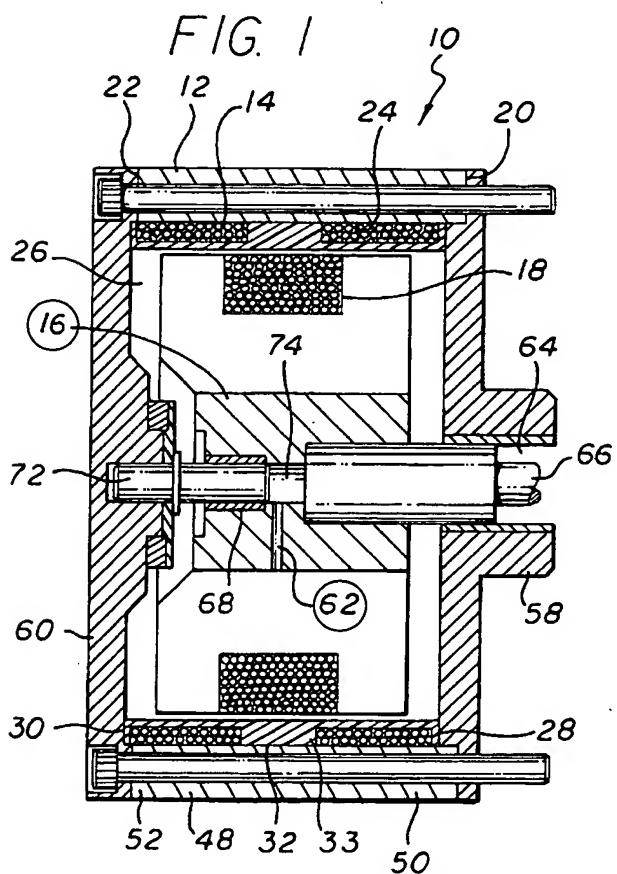


FIG. 4

In the example of Figure 4 (and annotated in red), core 64 has portions 64A and 64B, each with a cavity 82A, 82B, respectively, formed in a respective end face. The portions 64A and 64B are positioned so that the end faces oppose each other and are separated by a gap 69.

Applicant understands the Examiner's position to be that in Kotsianas et al., the features 34, 36 (referred to as "core end 34" and "core end 36" at col. 3, lines 55-56) are "end faces" that "oppose each other," and that they are separated by the feature "62" which the Examiner considers to be a "gap." (See Examiner's Answer, page 4, last paragraph.) Applicant respectfully submits that the core ends 34, 36 of Kotsianas et al. cannot be said to "oppose each other" and cannot be said to be "separated by a gap." Figures 1 and 2 from Kotsianas et al. are illustrative:



In the above Figures, core ends 34, 36 (circled in red) are located at distant, opposite ends of the same core 16 (circled in red), so that instead of being positioned to "oppose each other" they face away from each other. Further, they are positioned on and are linked together by the same body of core 16 (Figure 2, cross hatching), so they are not separated from each other. As to

the feature labeled 62 in Figure 1 which the Examiner asserts is a “gap” that separates core ends 34, 36, Applicant respectfully submits that such feature is simply a shaft-like structure which allows air movement to or from the air gap between shaft 66 and pin 72 when shaft 66 moves relative to pin 72. (See e.g., Column 5, lines 5-14.) The shading of the feature 62 in the cross section shown in Figure 1 is respectfully submitted to be indicative of a shallow depth or small diameter, and not of a feature which separates core ends 34, 36 of core 16 from each other. Further, the absence of such feature in the cross section shown in Figure 2, confirms that such feature is of limited extent, and does not, and cannot operate to separate core ends 34, 36.

Simply put, the core ends 34, 36 in Kotsianas et al., instead of being positioned to “oppose each other,” face away from each other, and, instead of being “separated” from each other “by a gap,” are positioned on and are linked together by the same body of core 16. For the reasons set forth above and in Applicant’s Appeal Brief, it is respectfully submitted that claim 1 is patentable over Kotsianas et al., and that the Examiner’s rejection of claim 1 must be reversed.

Regarding the Examiner’s position on involved claim 2, that the “outer core section (48)” of Kotsianas et al. corresponds to “core flanges” which support a housing (58, 60) (see Examiner’s Answer, page 5, first paragraph), it is respectfully submitted that claim 2 is patentable as dependent from a patentable base claim 1, and further, that “outer core section (48)” is not a “core flange.” First of all, nowhere in Kotsianas et al. is “outer core section (48)” referred to as a “flange,” much less a “core flange.” In Kotsianas et al., the closest association of feature 48 with the feature labeled 16 in Figure 1, is found at col. 3, lines 64-65, where it is stated that “[t]he core 16 may also be defined as having an inner core member 46 and an outer core member 48.” However, it is respectfully submitted that the fact that inner core member 46 (Figure 2) is moveable with respect to outer core member 48 (see col. 4, lines 3-8) prevents it

from being a “flange” of inner core member 46. There are further indications that feature 48 is not operatively a part of inner core member 46 (core 16). As can be seen from Figure 1, and described at col. 3, lines 36-46, the same structure to which reference number 48 points is described as a case 12, having an interior wall 24, and that a conductive coil 14 is coextensively adjacent interior wall 24. Thus, as a case 12, feature 48 can hardly be seen as a core flange supporting a housing as recited in involved claim 2. Also, conductive coil 14 is the same coil that the Examiner asserts corresponds to the claim 1 feature of “a coil shaped for movement along the longitudinal axis of the core.” (See Examiner’s Answer, page 3, last paragraph.) Thus, feature 48 (case 12) in Kotsianas et al. is physically associated with the “conductive coil 14” rather than the core 16 (inner core member 46).

For the foregoing reasons, it is respectfully submitted that feature 48 in Kotsianas et al. is not a “core flange,” that claim 2 is patentable as dependent from patentable base claim 1, and that the Examiner’s rejection of claim 2 must be reversed.

Conclusion

For the reasons set forth above, it is respectfully submitted that Kotsianas et al. do not teach or suggest the invention claimed in claims 1 and 2, and hereby requests that the Board reverse the Examiner's rejections and affirm the patentability of the claims on appeal.

Respectfully submitted,

DLA Piper US LLP

Dated: July 25, 2008

By:


Gerald T. Sekimura
Reg. No. 30,103
Attorneys for Applicant

ATTN: Patent Department
DLA Piper US LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107-1957
Tel: (415) 836-2500
Fax: (415) 836-2501